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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,970	01/08/2004	Shinichiro Kobayashi	9319S-000613	5673
27572 7590 05/15/2007 HARNES, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER SOBUTKA, PHILIP	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/753,970

Applicant(s)

KOBAYASHI ET AL.

Examiner

Philip J. Sobutka

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/08/2004, 9/25/2006.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed September 25, 2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-19 rejected under 35 U.S.C. 102(b) as being anticipated by Kenji (JP 200-278551).

Consider claim 1. Kenji teaches a method for building an information network via an antenna terminal or an antenna cable disposed in a house for receiving television broadcasting or radio broadcasting, the method comprising:

step (a) of selecting at least one frequency not used by television broadcasting or radio broadcasting in an area where the house is located (*Kenji abstract, lines 5-7, 17-21*);

step (b) of modulating a carrier wave having the frequency selected in step (a) by using transmission data transmitted from a first information terminal and transmitting the modulated carrier wave via the antenna terminal or the antenna cable (*Kenji abstract, lines 5-7*); and

step (c) of receiving the carrier wave transmitted in step (b) and demodulating the carrier wave to produce reception data received by a second information terminal (*Kenji abstract, lines 11-18*).

As to claim 2, Kenji teaches the method according to claim 1, wherein, in step (a), at least one of frequencies for channels not used by the television broadcasting or radio broadcasting in an area where the house is located is selected (*Kenji abstract, lines 5-7, 17-21*).

As to claim 3, Kenji teaches the method according to claim 1, further comprising a step of bidirectionally transmitting data between the information network via the antenna terminal or the antenna cable and another network by converting the format of the data (*Kenji abstract, lines 11-18*).

Consider claim 4. Kenji teaches a method for building an information network via an antenna terminal or an antenna cable disposed in a house for receiving television broadcasting or radio broadcasting, the method comprising:

step (a) of selecting a first frequency and a second frequency not used by television broadcasting or radio broadcasting in an area where the house is located (*Kenji abstract, lines 5-7,17-21*);

step (b) of modulating a carrier wave having the first frequency by using transmission data transmitted from a first information terminal and transmitting the modulated carrier wave via the antenna terminal or the antenna cable (*Kenji abstract, lines 5-7*);

step (c) of receiving the carrier wave transmitted in step (b) and demodulating the carrier wave to produce reception data received by a second information terminal (*Kenji abstract, lines 11-18*);

step (d) of modulating a carrier wave having the second frequency by using transmission data transmitted from the second information terminal and transmitting the modulated carrier wave via the antenna terminal or the antenna cable (*Kenji abstract, lines 11-18*); and

step (e) of receiving the carrier wave transmitted in step (d) and demodulating the carrier wave to produce reception data received by the first information terminal (*Kenji abstract, lines 11-18*).

As to claim 5, Kenji teaches the method according to claim 4, wherein, in step (a), at least one of frequencies for channels not used by the television broadcasting or radio broadcasting in an area where the house is located is selected (*Kenji abstract, lines 5-7,17-21*).

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As to claim 6, Kenji teaches the method according to claim 4, further comprising a step of bidirectionally transmitting data between the information network via the antenna terminal or the antenna cable and another network by converting the format of the data (*Kenji abstract, lines 11-18*).

Consider claim 7. Kenji teaches a method for building an information network via an antenna terminal or an antenna cable disposed in a house for receiving television broadcasting or radio broadcasting, the method comprising:

step (a) of selecting a plurality of frequencies not used by television broadcasting or radio broadcasting in an area where the house is located (*Kenji abstract, lines 5-7, 17-21*);

step (b) of dividing transmission data transmitted from a first information terminal into a plurality of channels, modulating a plurality of carrier waves having the respective frequencies selected in step (a) by using the transmission data from the plurality of channels, and transmitting the modulated carrier waves via the antenna terminal or the antenna cable (*Kenji abstract, lines 11-18, note that of course the data signals are separate and therefore divided from the TV signals*); and

step (c) of receiving the carrier waves transmitted in step (b), demodulating the carrier waves to produce reception data over the plurality of channels, and integrating the reception data over the plurality of channels into a single data set which is received by a second information terminal (*Kenji abstract, lines 11-18, note that the waves are integrated into a single coax*).

As to claim 8, Kenji teaches the method according to claim 7, wherein, in step (a), at least one of frequencies for channels not used by the television broadcasting or radio broadcasting in an area where the house is located is selected (*Kenji abstract, lines 5-7, 17-21*).

As to claim 9, Kenji teaches the method according to claim 7, further comprising a step of bidirectionally transmitting data between the information network via the antenna terminal or the antenna cable and another network by converting the format of the data (*Kenji abstract, lines 11-18*).

Consider claim 10. Kenji teaches a network connection circuit for connecting an information terminal to an antenna terminal or an antenna cable disposed in a house for receiving television broadcasting or radio broadcasting, comprising:

frequency-selecting means for selecting at least one frequency not used by television broadcasting or radio broadcasting in an area where the house is located (*Kenji abstract, lines 5-7, 17-21*); and

transmitting means for modulating a carrier wave having the frequency selected by the frequency-selecting means by using transmission data transmitted from the information terminal and transmitting the modulated carrier wave via the antenna terminal or the antenna cable (*Kenji abstract, lines 11-18*).

As to claim 11, Kenji teaches the network connection circuit according to claim 11, wherein at least one of frequencies for channels not used by the television broadcasting or radio broadcasting in an area where the house is located is

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automatically selected by the frequency-selecting means (*Kenji abstract, lines 5-7, 17-21*).

Consider claim 12. Kenji teaches a network connection circuit for connecting a first information terminal to an antenna terminal or an antenna cable disposed in a house for receiving television broadcasting or radio broadcasting, comprising:

frequency-selecting means for selecting at least one frequency not used by television broadcasting or radio broadcasting in an area where the house is located (*Kenji abstract, lines 5-7, 17-21*); and

receiving means for receiving a carrier wave which has the frequency selected by the frequency-selecting means and has been transmitted from a second information terminal via the antenna terminal or the antenna cable and demodulating the carrier wave to produce reception data received by the first information terminal (*Kenji abstract, lines 11-18*).

As to claim 13, Kenji teaches the network connection circuit according to claim 12, wherein at least one of frequencies for channels not used by the television broadcasting or radio broadcasting in an area where the house is located is automatically selected by the frequency-selecting means (*Kenji abstract, lines 5-7, 17-21*).



Consider claim 14. Kenji teaches a network connection circuit for connecting a first information terminal to an antenna terminal or an antenna cable disposed in a house for receiving television broadcasting or radio broadcasting, comprising:

frequency-selecting means for selecting a first frequency and a second frequency not used by television broadcasting or radio broadcasting in an area where the house is located (*Kenji abstract, lines 5-7,17-21*);

transmitting means for modulating a carrier wave having the first frequency selected by the frequency-selecting means by using transmission data transmitted from the first information terminal and transmitting the modulated carrier wave via the antenna terminal or the antenna cable; and receiving means for receiving a modulated carrier wave which has the second frequency and has been transmitted from a second information terminal via the antenna terminal or the antenna cable and demodulating the carrier wave to produce reception data received by the first information terminal (*Kenji abstract, lines 11-18*).

As to claim 15, Kenji teaches the network connection circuit according to claim 14, wherein at least one of frequencies for channels not used by the television broadcasting or radio broadcasting in an area where the house is located is automatically selected by the frequency-selecting means (*Kenji abstract, lines 5-7,17-21*).

Consider claim 16. Kenji teaches a network connection circuit for connecting an information terminal to an antenna terminal or an antenna cable disposed in a house for receiving television broadcasting or radio broadcasting, comprising:

frequency-selecting means for selecting a plurality of frequencies not used by television broadcasting or radio broadcasting in an area where the house is located (*Kenji abstract, lines 5-7, 17-21*); and

transmitting means for dividing transmission data transmitted from the information terminal into a plurality of channels, modulating a plurality of carrier waves having the respective frequencies selected by the frequency-selecting means by using the transmission data from the plurality of channels, and transmitting the modulated carrier waves via the antenna terminal or the antenna cable (*Kenji abstract, lines 11-18*).

As to claim 17, Kenji teaches the network connection circuit according to claim 16, wherein at least one of frequencies for channels not used by the television broadcasting or radio broadcasting in an area where the house is located is automatically selected by the frequency-selecting means (*Kenji abstract, lines 5-7, 17-21*).

Consider claim 18. Kenji teaches a network connection circuit for connecting a first information terminal to an antenna terminal or an antenna cable disposed in a house for receiving television broadcasting or radio broadcasting, comprising:

frequency-selecting means for selecting a plurality of frequencies not used by television broadcasting or radio broadcasting in an area where the house is located (*Kenji abstract, lines 5-7,17-21*); and

receiving means for receiving a plurality of carrier waves which have the respective frequencies selected by the frequency-selecting means and have been transmitted from a second information terminal via the antenna terminal or the antenna cable, demodulating the carrier waves to produce reception data over a plurality of channels, and integrating the reception data over the plurality of channels into a single data set which is received by the first information terminal (*Kenji abstract, lines 11-18*).

As to claim 19, Kenji teaches the network connection circuit according to claim 18, wherein at least one of frequencies for channels not used by the television broadcasting or radio broadcasting in an area where the house is located is automatically selected by the frequency-selecting means (*Kenji abstract, lines 5-7,17-21*).

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
6. Perlman (7,215,660) has been cited as relevant art filed after the priority date of the instant application.
7. Kuehnel et al (US 2004/0204102) and Ohnaka (US 2004/0053638) have been cited to show networking arrangements.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Sobutka whose telephone number is 571-272-7887. The examiner can normally be reached Monday through Friday from 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4711.

9. The central fax phone number for the Office is 571-273-8300.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number.

**CENTRALIZED DELIVERY POLICY:** For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**PHILIP J. SOBUTKA**  
**PATENT EXAMINER**

Philip J Sobutka

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